



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – JUNE 21, 2006

SUMMARY MINUTES¹

JUNE 21, 2006

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

William Elkins, President
Sean Harrigan, Vice President
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura

- A. Linda McCracken was introduced and thanked for her 40 years of service to the State, virtually all of which was with the SPB. Linda started working for the State in 1966 as junior typist and has since been promoted up to her current position as SPB's webmaster.
- B. At the July Board meeting, Jim Tilton, the head of the Corrections Agency, will appear to discuss the serious problems his agency is encountering in hiring new correctional officers. The length of time it takes to hire is a major concern. Part of the discussion will center on the psychological screening of applicants, a task performed by the SPB staff.
- C. One of the major unions has reached agreement with the Administration on a new contract. There is some question about how funding for current year (2005-06) portion of the compensation package will be provided for. There are no funds in the SPB's current budget to provide for any new current year benefit.
- D. At the July and August meetings we will be discussing BCP concepts, including one for increasing resources for our office of civil rights.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

Litigation:

- Shellcroft v. SPB/CDCR: Writ granted overturning SPB-approved settlement, on the ground that the Skelly officer lacked actual authority to enter into the agreement and since Shellcroft did not detrimentally rely on the agreement, court would not find ostensible authority.

¹ The Minutes for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

- Department of Corrections v. SPB/ Doryanna Anderson-Johnson: Writ granted directing SPB to consider pre-2001 “substantially limits” standard for reasonable accommodation.
- Curah v. SPB: SPB decision sustaining dismissal upheld.

Other:

- Preliminary draft regulations prepared for reasonable accommodation and discrimination complaint processes.
- Staff has begun preparation of draft regulations on cost savings contracting out cases.
- Chief Counsel attended meeting with CDCR on the Plata case. Discussed coordination of peer review and disciplinary processes when physicians fail to meet standard of care.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Evans

NONE PRESENTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
(See Action Taken on Pages 10–13)

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

AB 2069 (MAZE)

This bill would prohibit a public agency from hiring an applicant who does not possess the required degree from an accredited institution. In addition, an applicant must provide his or her diploma from an accredited institution to the hiring agency prior to appointment.

POSITION: NEUTRAL

AB 2550 (BLAKESLEE)

This bill would exempt members of the active militia from road tax, head tax, and jury duty in any criminal or civil proceeding. Militia is defined as the California National Guard, the California Army and Air National Guard, the State Military Reserve, and the Naval Militia. In addition, this bill would require that any qualified member of the militia, and any widow, widower, or spouse of a qualified member, shall be awarded preference points for any civil service employment.

POSITION: NEUTRAL

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF
JULY 11, 2006, IN SACRAMENTO, CALIFORNIA**

Vice President Sean Harrigan will not be in attendance.

BOARD ACTIONS:

12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF MAY 23, 2006

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Clarey – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 10–16

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes on Pages 21–22)

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Clarey – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 16–18

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On June 21, 2006, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Clarey – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

UNIT SUPERVISOR (SAFETY)

The California Department of Corrections and Rehabilitation (CDCR) proposes revisions to the existing class Unit Supervisor (Safety) to provide use of the class within a correctional facility. This proposal is in accordance with Federal Court Order No. C90-3094TEH.

**STAFF PSYCHIATRIST, CORRECTIONAL AND
REHABILITATIVE SERVICES (SAFETY)
SENIOR PSYCHIATRIST (SPECIALIST), CORRECTIONAL
AND REHABILITATIVE SERVICES (SAFETY)
SENIOR PSYCHIATRIST (SUPERVISOR), CORRECTIONAL
AND REHABILITATIVE SERVICES (SAFETY)
CHIEF PSYCHIATRIST, CORRECTIONAL AND
REHABILITATIVE SERVICES (SAFETY)**

In order to be in compliance with the Federal Court's requirement to bring minimum qualifications (MQ) in line with Title XXII, the California Department of Corrections and Rehabilitation (CDCR) proposes to establish the following four new classes: Staff Psychiatrist, Correctional and Rehabilitative Services (Safety); Senior Psychiatrist (Specialist), Correctional and Rehabilitative Services (Safety); Senior Psychiatrist (Supervisor), Correctional and Rehabilitative Services (Safety); and Chief Psychiatrist, Correctional and Rehabilitative Services (Safety). A footnote 24, to prevent future appointments to the classes and to abolish them when they become vacant, will be applied to the existing classes: Staff Psychiatrist, Correctional Facility; Senior Psychiatrist, Correctional Facility (Specialist); Senior Psychiatrist, Correctional Facility (Supervisor); and Chief Psychiatrist, Correctional Facility. Incumbents in the existing classes who meet the MQs, will be moved by Board Action into the new classes. Although (Safety) does not appear in the title of the existing classes, these classes are currently designated as (Safety).

**WILDLIFE FORENSIC SPECIALIST
SENIOR WILDLIFE FORENSIC SPECIALIST**

The Department of Fish and Game proposes revisions to the Minimum Qualifications (MQ) for the Wildlife Forensic Specialist and the Senior Wildlife Forensic Specialist to broaden the recruitment base by reflecting equivalent current course work offered by colleges and universities. Additionally, outdated language in the Knowledge and Abilities sections of the specifications are being revised.

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS
FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE
CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO
OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE
PERSONNEL BOARD** propose to abolish the following unused
classifications, which have been vacant for more than twenty-four months.
Departments that utilize the class as well as the appropriate union have no
objection to the abolishment of these classes.

NONE PRESENTED

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE PRESENTED

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

ASSISTANT EXECUTIVE OFFICER

The Tahoe Conservancy proposes to allocate the above position to the CEA category. The Assistant Executive Officer functions as the principal assistant to the Executive Officer and acts in his/her absence. The incumbent oversees the development of the Conservancy's strategic plan, manages program development policies and procedures, and oversees the administration of all programs.

POLICY ADVISOR AND STRATEGIC PLANNER

The Public Utilities Commission proposes to allocate the above position within the Division of Ratepayers Advocates (DRA) to the CEA category. The Policy Advisor and Strategic Planner will be the key decision maker in the development of policy direction for DRA in the areas of electric, gas, water and telecommunications.

NORTHERN AREA ADMINISTRATOR

The Employment Development Department proposes to allocate the above position within the Disability Insurance (DI) Branch to the CEA category. The Northern Area Administrator plans, organizes, directs and facilitates the Disability Insurance (DI) program in addition to the legislatively mandated Paid Family Leave Program and the newly implemented State Disability Insurance for State employees program.

SOUTHERN AREA ADMINISTRATOR

The Employment Development Department proposes to reallocate the existing CEA allocation titled Chief, Field Operations to the above position within the Disability Insurance Branch. The Southern Area Administrator plans, organizes, directs and facilitates the Disability Insurance (DI) program workload and performance in all Southern Area field offices and ensures accurate, consistent, and efficient delivery of services in each of the Southern Area offices.

DEPUTY DIRECTOR, STATEWIDE TELECOMMUNICATIONS AND NETWORK DIVISION

The Department of Technology Services proposes to allocate the above position to the CEA category. The Deputy Director, Statewide Telecommunications and Network Division is responsible for formulating telecommunications policies that not only have Department wide impact, but also have Statewide impact that affects the operation of every State agency. This function was formerly placed at the Department of General Services and has been transferred to the new Department of Technology Services.

DEPUTY DIRECTOR, ENGINEERING DIVISION

The Department of Technology Services proposes to allocate the above position to the CEA category. The Deputy Director, Engineering Division manages the department's statewide IT infrastructure and develops policies affecting all facets of IT for the State.

DEPUTY DIRECTOR, ADMINISTRATION DIVISION

The Department of Technology Services proposes to allocate the above position to the CEA category. The Deputy Director, Administration Division provides executive direction for all financial and administrative operations, including budgeting, rates development, accounting, financial reporting, facilities management, procurement and human resources.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

DEPUTY DIRECTOR, OPERATIONS DIVISION

The Department of Technology's proposal to allocate the above position to the CEA category has been approved effective May 22, 2006.

DEPUTY DIRECTOR, CUSTOMER DELIVERY DIVISION

The Department of Technology's proposal to allocate the above position to the CEA category has been approved effective May 22, 2006.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 19–20

A D J O U R N M E N T

WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15 AS NOTED.

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) ALEJANDRO GILL, CASE NO. 05-0054RA

Appeal for dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006.

Oral argument heard May 2, 2006, Los Angeles.

Case ready for decision by FULL Board.

NO ACTION

(2) JUDY JOHNSON, CASE NO. 05-1367A

Appeal from automatic resignation

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

Proposed decision rejected February 21, 2006.

Oral argument (written record) submitted May 2, 2006,
Los Angeles.

Case ready for decision by FULL Board.

NO ACTION

(3) RICK OCHOA, CASE NO. 04-2373BA

Appeal for determination of back salary, benefits and interest

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

Proposed decision rejected January 24, 2006.

Oral argument heard April 4, 2006, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

June 21, 2006

(4) EDUARDO PEREZ, CASE NO. 05-0763A

Appeal from five percent reduction in salary for six months

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 1, 2005.

Oral argument (written record) submitted May 2, 2006,
Los Angeles.

Case ready for decision by FULL Board.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On June 21, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Clarey – Aye

(1) BECKY GAGE, CASE NO. 05-3741

Appeal from dismissal

Classification: Medical Technical Assistant

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision
modifying the dismissal.

June 21, 2006

- (2) **MICHAEL GOULD, CASE NO. 04-2365**
Appeal from dismissal
Classification: Offset Press Assistant
Department: Department of General Services
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (3) **MICHAEL JUAREZ, CASE NO. 02-3738**
Appeal from rejection during probationary period
Classification: Manager III, Department of Motor Vehicles
Department: Department of Motor Vehicles
ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (4) **CHAD LOOK, CASE NO. 04-1789APB**
Appeal for back pay
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision denying the appeal.
- (5) **TIFFANY MIRANDA, CASE NO. 05-4330**
Appeal from dismissal
Classification: Custodian Supervisor II
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision sustaining the dismissal.
- (6) **SYLVIA ORTIZ, CASE NO. 05-4412**
Appeal from dismissal
Classification: Facility Captain, Correctional Institution
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal.
- (7) **ROBERT RIPANI, CASE NO. 06-0363**
Appeal from five percent reduction in salary for six pay periods
Classification: Business Taxes Compliance Supervisor II
Department: Board of Equalization
ACTION: The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.
- (8) **JAIME TOVAR, CASE NO. 05-2971 & CUONG PHAN, CASE NO. 05-2970**
Appeal from dismissal and five percent reduction in salary for 12 months
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision and remanded matter to ALJ.

June 21, 2006

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On June 21, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Clarey – Aye

(1) GEORGE ALVARA, CASE NO. 05-1309P

Appeals from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: Respondent's petition for rehearing was denied by the Board.

(2) ANDRES HERRERA, CASE NO. 04-2960P

Appeal from dismissal

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

ACTION: Respondent's petition for rehearing was denied by the Board.

(3) SEAN STEIMLE, CASE NO. 05-3750P

Appeal from whistleblower retaliation complaint

Classification: Lifeguard II (Seasonal)

Department: Department of Parks and Recreation

ACTION: Appellant's petition for rehearing was denied by the Board.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On June 21, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Clarey – Aye

(1) TROY ALLEN, CASE NO. 05-2150A

Appeal from dismissal

Classification: Caltrans Equipment Operator II

Department: Department of Transportation

Proposed decision rejected February 7, 2006.

Pending oral argument originally set May 2-3, 2006, Los Angeles.

Pending oral argument June 6-7, 2006, Sacramento.

Oral argument continued.

ACTION: The Board adopted a resolution rejecting the proposed decision and remanding the case for a hearing before a different ALJ.

(2) DANNY BROWN, CASE NO. 05-2209A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected April 4, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

(3) PRECILLA CALAUNAN, CASE NO. 05-1737RPA

Appeal from dismissal

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Pending oral argument July 11-12, 2006, Sacramento.

NO ACTION

(4) PAUL CHATHAM, CASE NO. 05-1287A

SARAH WIRTH, CASE NO. 05-1599A

Appeal from five percent reduction in salary for six months and two work days suspension

Classification: Correctional Lieutenant and Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Pending oral argument July 11-12, 2006, Sacramento.

NO ACTION

June 21, 2006

(5) GAIL GARCIA, CASE NO. 05-3030A

Appeal from constructive demotion

Classification: Office Technician

Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

(6) RAYMOND GURULE, CASE NO. 05-1351A

Appeal from dismissal

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

Proposed decision rejected April 4, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

Pending oral argument September 5-6, 2006, Sacramento.

NO ACTION

(7) LEE KENDRICK, CASE NO. 04-1620PA

Appeal from dismissal

Classification: Transportation Surveyor

Department: Department of Transportation

Petition for Rehearing granted April 4, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

(8) JONATHAN SILVERMAN, CASE NO. 05-0078A

Appeal from dismissal

Classification: Workers' Compensation Payroll Auditor

Department: State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.

Pending transcript.

NO ACTION

(9) RAYMOND SLEDGE, CASE NO. 04-2809PA

Appeal from dismissal

Classification: Youth Correctional Counselor

Department: Department of the Youth Authority

Petition for Rehearing granted March 8, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

June 21, 2006

(10) JAMES STEED, CASE NO. 05-0207PA

Appeal from constructive medical suspension

Classification: Facility Captain

Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION

CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION

CASES NOT HEARD BY A STAFF HEARING OFFICER

On June 21, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Clarey – Aye

(1) NATHANIEL BEST, CASE NO. 05-2017

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; omitted pertinent information and a negative driving record.

ACTION: DENIED

(2) RYAN CHAMBERLAIN, CASE NO. 05-1976

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; previous gang involvement and tattoos.

ACTION: WITHDRAWN BY STAFF

(3) JESUS CITRON, CASE NO. 05-1962

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; omitted pertinent information, furnished inaccurate information and a negative employment record.

ACTION: DENIED

June 21, 2006

- (4) **LISA GILL, CASE NO. 05-1953**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and furnished inaccurate information.
ACTION: DENIED
- (5) **CESAR PADILLA, CASE NO. 05-1728**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and furnished inaccurate information.
ACTION: DENIED
- (6) **ADDIS PORTER, CASE NO. 05-1830**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment, legal obligations and fraud.
ACTION: DENIED
- (7) **MARTHA SANDOVAL, CASE NO. 05-1156**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment and driving record, omitted pertinent and furnished inaccurate information during the selection process.
ACTION: DENIED
- (8) **NORMAN ST. HILAIRE, CASE NO. 05-1786**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information and a negative driving and employment record.
ACTION: DENIED
- (9) **ROBIN WORLEY, CASE NO. 05-1688**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment and negative law enforcement contacts.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

June 21, 2006

On June 21, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Clarey – Aye

(1) JOHN SARABA, CASE NO. 05-1781

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: The appellant was medically disqualified because his visual acuity was not correctable to the visual acuity standard of 20/20 that would qualify him to safely perform the essential functions of a Correctional Officer.

ACTION: DENIED

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On June 21, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Clarey – Aye

(1) DOUGLAS P. JACKSON, CASE NO. 05-3816

Classification: Department of Transportation Employee

Department: Department of Transportation

Issue: The charging party requests to file charges against employees of the Department of Transportation.

ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

June 21, 2006

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. RICK OCHOA, CASE NO. 04-2373B

Appeal for determination of back salary, benefits and interest. Youth Correctional Officer. Department of the Youth Authority. (Oral argument held April 4, 2006.)

NO ACTION

7. ALEJANDRO GILL, CASE NO. 05-0054RA

Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held May 2, 2006.)

NO ACTION

8. JUDY JOHNSON, CASE NO. 05-1367A

Appeal from automatic resignation. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument, Written Record submitted May 2, 2006.)

NO ACTION

9. EDUARDO PEREZ, CASE NO. 05-0763A

Appeal from five percent reduction in salary for six months. Parole Agent I (Adult Parole). Department of Corrections and Rehabilitation. (Oral argument, Written Record submitted May 2, 2006.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

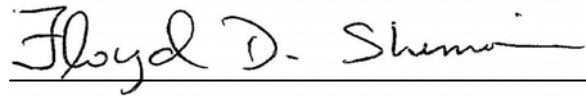
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on June 21, 2006.

VOTE: Elkins, Harrigan, Clarey – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura
Executive Officer
California State Personnel Board